

DEFENDANT OSBORNE'S PROPOSED VERDICT FORM

Liability: Failure to Intervene

1. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has proven by a preponderance of the evidence that defendant Samuel Osborne, failed to intervene by stopping or attempting to stop defendants Gregory Plummer, Joshua Jackson, Anthony Kelly, and/or William Montgomery from using excessive force against Mr. Givens in violation of the Eighth Amendment?

Answer "yes" or "no"

Liability: Deliberate Indifference

2. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Samuel Osborne acted with deliberate indifference to Mr. Givens's serious medical needs, in violation of the Eighth Amendment?

Answer "yes" or "no"

Liability for Conspiracy

3. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne

engaged in a conspiracy with Defendants Gregory Plummer, Joshua Jackson, Anthony Kelly and William Montgomery against Mr. Givens in violation of state law?

Answer “yes” or “no”

Liability for Gross Negligence

4. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne acted with Gross Negligence towards Mr. Givens in violation of state law?

Answer “yes” or “no”

Liability of Willful and Wanton Negligence

5. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that Defendant Samuel Osborne acted with Willful and Wanton Negligence towards Mr. Givens in violation of state law?

Answer “yes” or “no”

If you answered “No” to Questions 1- 5, please turn to Page __, where the Foreperson shall sign and date this form and return it to the court security officer.

If you answered “Yes” to any of the preceding questions, you must also answer the following questions concerning the amount of damages to be awarded to the plaintiff.

Compensatory Damages

6. We find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has established, by a preponderance of the evidence, that she is entitled to the following sum as compensatory damages from Defendant Osborne:

\$ _____

Punitive Damages

7. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, is entitled to punitive damages from Defendant Osborne?

Answer yes or no: _____

8. If you answered “Yes” to Question 7 as to a defendant, state the amount of punitive damages that you award to the plaintiff against Defendant Osborne:

\$ _____

Certification

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

DATE

FOREPERSON'S SIGNATURE

FOREPERSON'S PRINTED NAME